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HEALTH HERO NETWORK, INC.

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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 ALERE MEDICAL, INC., a California)
Corporation,)
14)
Plaintiff,)
15)
v.)
16)
HEALTH HERO NETWORK, INC., a California)
17 Corporation,)
18 Defendant.)
19)
20)
21)
AND RELATED COUNTERCLAIMS)
22)
23)
24)
25)
26)
27)
28)

CASE NO.: C 07-05054 (CRB)

**SUPPLEMENTAL DECLARATION
OF STEFANI E. SHANBERG IN
SUPPORT OF HEALTH HERO'S
SUPPLEMENTAL BRIEF
PURSUANT TO COURT ORDER**

**SUPPLEMENTAL DECLARATION OF STEFANI E. SHANBERG
IN SUPPORT OF HEALTH HERO'S SUPPLEMENTAL BRIEF
PURSUANT TO COURT ORDER**

I, Stefani E. Shanberg, hereby declare that:

1. I am over the age of 18 and have personal knowledge about the facts described below.

2. I am an attorney at Wilson Sonsini Goodrich & Rosati, counsel for Defendant Health Hero Network, Inc. ("Health Hero"). I submit this supplemental declaration in support of Health Hero's Supplemental Brief Pursuant to Court Order.

3. Health Hero filed its patent infringement action against Alere on September 6, 2007 in the Northern District of Illinois, Eastern Division, Chicago (the "Illinois action").

4. Attached as Exhibit 8 is a true and correct copy of Defendant Alere Medical, Inc's Initial Disclosures as filed in the Illinois action on November 28, 2007, disclosing, among other things, that Alere's documents are in Reno, Nevada.

5. Alere filed its Motion to Stay Litigation Pending Reexamination of Patent-in-Suit on November 14, 2007. Attached as Exhibit 9 is a true and correct copy of Notification of Docket Entry as filed by the U.S. District Court for the Northern District of Illinois on November 21, 2007, denying without prejudice Alere's Motion to Stay.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on December 3, 2007, at Palo Alto, California.

/s/ Stefani E. Shanberg
Stefani E. Shanberg

Exhibit 8

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

HEALTH HERO NETWORK, INC.

Plaintiff,

vs.

ALERE MEDICAL, INC.

Defendant.

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No. 07 C 5031

The Honorable Amy St. Eve

DEFENDANT ALERE MEDICAL, INC.'S INITIAL DISCLOSURES

Pursuant to Rule 26 of the Federal Rules of Civil Procedure, Defendant Alere Medical, Inc. ("Alere") makes the following initial disclosures:

Alere's investigation of claims in this action is ongoing, and the disclosures below are based on information reasonably available to Alere at this time, following a good faith inquiry. Health Hero Network, Inc. ("Health Hero") has not yet provided complete infringement contentions, the Court has not yet construed any claim terms in the asserted patents, and discovery has not yet begun. Thus, Alere reserves the right to supplement these initial disclosures, produce additional information, and rely on such information as evidence in this action after receiving further details of Health Hero's infringement contentions, and based upon the Court's construction of claim terms and additional discovery.

Rule 26(a)(1)(A): the name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

Alere believes that the following witnesses have knowledge that may support its claims or defenses in this case. Alere's investigation is preliminary and ongoing and Alere reserves the right to identify additional individuals at a later date. In making these disclosures,

Alere does not waive its right to object, pursuant to the applicable Local and Federal Rules, to the deposition testimony of any of the individuals listed below.

After conducting such inquiry and investigation as is reasonable under the circumstances, Alere identifies the following persons. These individuals, who are currently employed by Alere, or were previously employees of Alere, should be contacted through Alere's counsel, Bingham McCutchen LLP, 1900 University Avenue, East Palo Alto, CA 94303, (650) 849-4916.

1. Jack Lloyd
Development, structure and operation of Alere's accused products.
2. Michael McGarry
Development, marketing and sales of Alere's accused products.
3. Jon Tropsa
Financial information related to sales of Alere's accused products.

Additionally, Alere discloses the following people:

4. Stephen James Brown
Mountain View, CA
Conception, reduction to practice, and prosecution of U.S. Patent No. 7,223,236.
5. Christopher P. Maiorana
24840 Harper Avenue, Suite 100
St. Clair Shores, MI 48080
(586) 498-0670
Prosecution of U.S. Patent No. 7,223,236.

In addition, Alere believes that there are other people currently or formerly affiliated with Health Hero who are likely to have discoverable evidence, and that Health Hero is better situated to determine the content and extent of those individuals' knowledge and their current contact information.

These disclosures are subject to amendment and/or supplementation as this case proceeds, and thus should not be taken as a representation that the identified individuals are necessarily knowledgeable about whichever products, devices, or processes Health Hero

ultimately accuses and, depending on the identification of the accused products, devices, or processes, the individuals identified may or may not have knowledge relevant to this action. To the extent additional individuals with knowledge relevant to this dispute are identified, including other employees of Alere, Alere will identify them pursuant to the Federal Rules of Civil Procedure and the Local Rules.

Rule 26(a)(1)(B): a copy of, or a description by category and location of, all documents, electronically stored information, and tangible things that are in the possession, custody or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.

Alere identifies the following categories of documents identified to date that Alere presently believes it may use to support its claims or defenses. Since Health Hero has not yet provided complete infringement contentions, the Court has not yet construed any claim terms in the asserted patents, and discovery has not yet begun, Alere reserves its right to supplement this list as appropriate.

1. Documents relating to the design and operation of Alere's accused products. These documents are maintained by Alere at its offices in Reno, Nevada.
2. Documents relating to the sales and marketing of Alere's accused products. These documents are maintained by Alere at its offices in Reno, Nevada.
3. Documents that describe the prior art to the U.S. Patent No. 7,223,236. Current research is underway to locate documents in this category. Many are expected to be publicly available, or in the possession of third parties, and it is also expected that some will be in the possession of Health Hero.
4. Documents related to the conception, reduction to practice, and prosecution of U.S. Patent No. 7,223,236. These documents are expected to be in the possession of Health Hero or its counsel.

To the extent additional documents in Alere's possession are later identified, Alere will make them available for inspection and copying pursuant to the supplementation procedures under the Federal Rules of Civil Procedure, consistent with any applicable protective orders or other Court orders.

Nothing in these Initial Disclosures should be interpreted to waive any applicable privilege or to limit Alere's ability to provide such information at the times specified by the Federal Rules of Civil Procedure, Local Rules or by Court order. These disclosures are in no way an admission that any documents within a specified category exist or that they are in the possession of Alere.

Rule 26(a)(1)(C): a computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

Alere does not currently seek damages in this action.

Rule 26(a)(1)(D): for inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part of all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

Alere is not a party to any insurance agreement which would be liable to satisfy part or all of a judgment in this action.

DATED: November 28, 2007

Respectfully submitted,

By:  _____

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Attorneys for Defendant
ALERE MEDICAL, INC.

PROOF OF SERVICE

I am over 18 years of age, not a party to this action and employed in the County of San Mateo, California at 1900 University Avenue, East Palo Alto, California 94303-2223. I am readily familiar with the practice of this office for collection and processing of correspondence for mailing with the United States Postal Service and correspondence is deposited with the United States Postal Service that same day in the ordinary course of business.

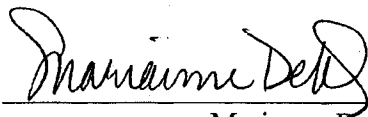
Today I served the attached:

DEFENDANT ALERE MEDICAL, INC.'S INITIAL
DISCLOSURES

by causing a true and correct copy of the above to be placed in the United States Mail at East Palo Alto, California in sealed envelope(s) with postage prepaid, addressed as follows:

Rhett R. Dennerline
Competition Law Group, LLC
55 W. Monroe, #1930
Chicago, IL 60603

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made and that this declaration was executed on November 28, 2007.



Marianne DeRitis

Exhibit 9

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 3.0
Eastern Division**

Health Hero Network, Inc.

Plaintiff,

v.

Case No.: 1:07-cv-05031

Honorable Amy J. St. Eve

Alere Medical, Inc.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Wednesday, November 21, 2007:

MINUTE entry before Judge Amy J. St. Eve : MOTION by Defendant Alere Medical, Inc. to stay Litigation Pending Reexamination of Patent-in-Suit [26] is denied without prejudice as premature.Mailed notice(tmh,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at www.ilnd.uscourts.gov.